



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

**DEPARTMENT ACTION ON AMENDMENT APPLICATION
IN DOCKET OST-2001-9973**

(Joint Application of America West Airlines, Inc., Mesa Airlines, Inc. and Freedom Airlines, Inc.,
filed October 8, 2003)

Approved under assigned authority (14 CFR §385.13).

Date of Action: October 30, 2003

Authority expires July 31, 2005

for Gerald Carlo
Director, Office of International Aviation

By letter dated October 27, 2003, the City of Phoenix Aviation Department supported this request.

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

**Application of America West Airlines, Inc., Mesa Airlines, Inc., and Freedom Airlines, Inc., for
amendment of a Statement of Authorization to display British Airways' code on certain domestic
flights for the carriage of British Airways' traffic,
filed October 8, 2003, Docket OST-2001-9973**

The authority granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) America West, Mesa, Freedom and British Airways continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) America West, Mesa, Freedom and/or British Airways must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or the carriers decide to cease operating any or all of the approved code-share services.¹ Such notice should be filed in Docket OST-2001-9973)
- (c) The code-sharing operations conducted under this authority must comply with 14 CFR Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.* the carrier shown on the ticket) accept responsibility for the entirety of the code share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.
- (d) The authority granted here is specifically conditioned so that America West, Mesa, Freedom and British Airways shall not give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

*An electronic version of this document is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*

¹ We expect this notification to be received within ten (10) days after such non-effectiveness or of such decision.